

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	Wing K Luk, et al.	Examiner:	Bernstein, Allison
Serial No.:	10/735,061	Group:	2824
Filed:	December 11, 2003	Docket:	YOR920030136US1 (8728-621)
For:	Gated Diode Memory Cells		

**Mail Stop Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDED APPEAL BRIEF**

In response to the Notice of Non-Compliant Appeal Brief dated February 27, 2009, an amended "Status of Claims" section is attached hereto. Please replace page 3 of the Appeal Brief, including the "Status of Claims" section, with the attached replacement sheet. The Status of Claims section includes a listing of the canceled claims and is believed to be in compliance with 37 CFR 41.37.

Early and favorable consideration of the Appeal Brief is respectfully requested.

Respectfully Submitted,

Date: March 4, 2009

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I. **REAL PARTY IN INTEREST**

The real party in interest for the above-identified application is International Business Machines Corporation, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment of recorded in the U.S. Patent and Trademark Office.

II. **RELATED APPEALS AND INTERFERENCES**

There are no Appeals or Interferences known to Applicant, Applicant's representatives or the Assignee, which would directly affect or be indirectly affected by or have a bearing on the Board's decision in the pending Appeal.

III. **STATUS OF CLAIMS**

Claims 1-33, 54, 55, and 58 are pending, of which Claims 11-33, 54, and 55 stand withdrawn. Claims 34-53 and 56-57 have been canceled. Claims 1-10 and 58 stand rejected and are under appeal. The claims are set forth in the attached Appendix.

IV. **STATUS OF AMENDMENTS**

No After Final Amendments have been filed.